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## CERTIFICATE OF FACSIMILE/MAILING PURSUANT TO 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office at (571) 273-8300 and that a confirmation copy is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: August 3, 2005By: Beverly FletcherIN THE UNITED STATES PATENT AND TRADEMARK OFFICEPATENTApplicants: **Blayn W. Beenau, et al.**Attorney Docket No.: **60655.9600**Serial No.: **10/708,833**; Confirmation No.: **2832**Group Art Unit: **2876**Filed: **March 26, 2004**Examiner: **Frech, Karl D.**Title: **METHOD AND SYSTEM FOR SMELLPRINT RECOGNITION  
BIOMETRICS ON A FOB**

**TERMINAL DISCLAIMER TO OBLVATE  
A PROVISIONAL DOUBLE PATENTING REJECTION  
OVER A CO-PENDING APPLICATION**

Mail Stop Amendment  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

The owner, American Express Travel Related Services Company, Inc., of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on the pending reference Application Number 10/708,830, which was filed on March 26, 2004, as such term is defined in 35 U.S.C. §§ 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on

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Serial No. 10/708,833